

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEBRA MAYFIELD
GUILBEAUX,

Plaintiff,

v.

Case No. 5:19-cv-13728
District Judge Judith E. Levy
Magistrate Judge Anthony P. Patti

CITY OF DETROIT, *et al.*,

Defendants.

/

**ORDER GRANTING PLAINTIFF'S MOTION TO AMEND THE
COMPLAINT (ECF No. 12), DIRECTING CLERK'S OFFICE TO
PROCESS CASE FOR SERVICE, AND DIRECTING THE U.S. MARSHAL
TO ATTEMPT SERVICE UPON DEFENDANTS LAWRENCE GARCIA,
JUNE ADAMS, CHARLES RAIMI AND PATRICIA LUCKETT**

A. Background

Plaintiff, Debra Mayfield Guilbeaux, proceeding without the assistance of counsel, filed her complaint and application to proceed without prepayment of fees on December 19, 2019. (ECF Nos. 1, 2.) The Court granted Plaintiff's application on December 20, 2019 (ECF No. 4), and the case was referred to me for all pretrial matters that same day (ECF No. 5). On January 8, 2020, the Court directed the U.S. Marshals Service (USMS) to serve Defendants the City of Detroit and the Office of Mayor Mike Duggan. (ECF No. 7.) The USMS acknowledged receipt of the service documents on January 22, 2020. (ECF No. 8.)

B. Motion for Leave to Amend Complaint

Plaintiff filed a motion for leave to file an amended complaint and a proposed amended complaint on February 3, 2020, seeking to add Defendants Lawrence Garcia, June Adams, Charles Raimi and Patricia Luckett, and to make corrections, additions and deletions. (ECF No. 12.) According to the proposed amended complaint, each of these additional Defendants is an employee of the City of Detroit Law Department. (ECF No. 12, PageID.145.)

Rule 15(a) of the Federal Rules of Civil Procedure provides that “[a] party may amend its pleading once as a matter of course within . . . 21 days after serving it[.]” Fed. R. Civ. P. 15(a). The Rules “do not require the original complaint to be served in order to trigger the right to make one amendment as a matter of course[.]” *Green v. City of Southfield*, No. 15-13479, 2016 WL 692529, at *4 (E.D. Mich. Feb. 22, 2016). Because Plaintiff filed her motion to amend prior to service of the complaint, she was not required to seek leave of the Court to amend. Therefore, Plaintiff’s motion to amend is **GRANTED** because leave to file an amended pleading was not necessary at this juncture.

C. Service Upon Defendants

It is **ORDERED** that Plaintiff complete and present to the Clerk’s Office the following documents to effect service in this case within fourteen (14) days of the date of this Order: one copy of the amended complaint for each of the added

Defendants; two USM 285 forms for each of the added Defendants; and three summonses for each of the added Defendants, and that the Clerk process this case for service upon receipt of the properly completed documents above. The USMS is then **DIRECTED** to serve copies of the amended complaint, summonses and this order upon Defendants Lawrence Garcia, June Adams, Charles Raimi and Patricia Luckett, without prepayment of the usual costs for such service.

IT IS SO ORDERED.

Dated: February 13, 2020

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Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on February 13, 2020, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti